

**2005 DRAFTING REQUEST**

**Bill**

Received: **11/01/2005**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Jay Risch**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Creation of a building inspector review board

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/02/2005			_____ _____			S&L
/1	mglass 12/08/2005	lkunkel 12/16/2005	rschluet 12/16/2005	_____ _____	lnorthro 12/16/2005	lnorthro 01/09/2006	

FE Sent For:

<END>

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**Topic:**

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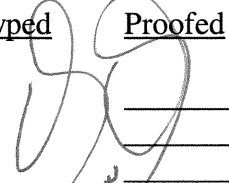
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/?	rkite 11/02/2005 mglass	11/mk 12/13		_____	_____	_____	_____

FE Sent For:

<END>

## Gibson-Glass, Mary

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**From:** Risch, Jay  
**Sent:** Wednesday, November 23, 2005 9:51 AM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Bill draft request relating to a building inspector review board

Mary -

Here you go - Jay

### **1. Building Inspector Review Board LRB 3976 (Mary Gibson-Glass, Robin Kite)**

- Create a Building Inspector Review Board at Commerce (similar to the various credentialing and review boards at the Department of Regulation & Licensing)
- Board would have power to pull credentials of building inspectors because of incompetence, negligence, conflict of interest, if an inspector required conditions over and above the building code or any other unprofessional conduct. The Board would also have the power to overrule decisions it feels were made incorrectly by building inspectors.
- The Board would have jurisdiction over Wisconsin Commercial Building Code building inspectors and Uniform Dwelling Code 1 & 2 family dwellings building inspectors.
- The board would be made up of 5 appointees: Secretary of the Department of Commerce, Senate Majority Leader, Assembly Speaker, a public member of the regulated builder community, a building inspector.
- Permittees that complain to the Board will likely (and understandably) fear retaliation from the building inspector they are complaining about. If a complainant wishes to file a complaint anonymously, he can do so knowing that the Board will not bring the building inspector in for a review unless two other anonymous complaints have also been made about the same inspector. If the Board chooses to call the inspector to discuss the complaints, the complaints would no longer be anonymous and the inspector would have the right to rebut the claims made against him. If a complainant was willing to make his complaint known publicly from the start, the Board could choose to review the situation based on that one complaint alone.

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**From:** Risch, Jay  
**Sent:** Friday, November 04, 2005 11:24 AM  
**To:** Gibson-Glass, Mary  
**Subject:** RE: Bill draft request relating to a building inspector review board

Thanks Mary.

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**From:** Gibson-Glass, Mary  
**Sent:** Wednesday, November 02, 2005 12:46 PM  
**To:** Risch, Jay  
**Subject:** Bill draft request relating to a building inspector review board

Jay:

Robin Kite, with whom I job share, and I have allocated incoming drafts between the two of us, and I'll be the draft for the above draft, which is LRB 05-3976.

Mary Gibson-Glass  
Senior Legislative Attorney

Legislative Reference Bureau  
608 267 3215



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-3976/8 M 1  
MGG:..... RMR  
lmk

Fri  
12-14  
D-N

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS:PLS / spacing

possible incompetent;  
negligent; or unethical

two

two

GenCat

1 AN ACT ...; relating to: creating a building inspector review board.

**Analysis by the Legislative Reference Bureau**

This bill creates the building inspector review board under the Department of Commerce (Commerce). The bill requires the review board to review complaints made to the board concerning conduct by building inspectors who inspect public buildings, places of employment, or one-family and 2-family dwellings. The bill authorizes the review board to revoke the certification of a building inspector that it determines to have engaged in such conduct and also authorizes the board to reverse or modify decisions made by building inspectors that the board determines that are in error. The bill also sets forth a process by which a holder of a building permit may make an anonymous complaint to the review board concerning a building inspector. The review board membership consists of a building inspector certified by Commerce, a representative of building contractors and building developers, the secretary of commerce, the senate majority leader, and the speaker of the assembly. The secretary, majority leader, and speaker may appoint designees to the review board. The other 2 members are appointed by the governor. ✓

✓ For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

2 SECTION 1. 15.155 (6) of the statutes is created to read:

1 15.155 (6) BUILDING INSPECTOR REVIEW BOARD. (a) There is created a building  
2 inspector review board which is attached to the department of commerce under s.

3 15.03 that consists of the following members:

- 4 1. The senator<sup>ate</sup> majority leader or his or her designee.
- 5 2. The speaker of the assembly or his or her designee.
- 6 3. The secretary of commerce or his or her designee.
- 7 4. A member representing <sup>e</sup>the building contractor<sup>s</sup> and building developers  
8 who is actively engaged in <sup>the</sup>on-site construction of public buildings, places of  
9 employment, or one-family and two-family dwellings.
- 10 5. A building inspector certified by the department of commerce, to inspect  
11 public buildings, places of employment, or one-family and two-family dwellings.

12 (b) The members appointed under par. (a) <sup>4</sup>5 and <sup>5</sup>6 shall serve for 5-year terms.

13 SECTION 2. 101.596 of the statutes is created to read:

14 101.596 Building inspector review board. (1) DEFINITIONS. In this section:

15 (a) "Board" means the building inspector review board. ✓

16 (b) "Building inspector" means any of the following: ✓

17 1. A person who is certified under rules promulgated by the department to  
18 make inspections of public buildings and places of employment.

19 2. A person who is certified under rules promulgated by the department to  
20 make inspections under subch. II. ✓

21 (c) "Permittee" means a person who is issued a building permit for a public  
22 building or a place of employment or a person who is issued a building permit under  
23 subch. II. ✓

(a)  
1 (2) RESPONSIBILITIES. The review board shall review complaints received from  
2 permittees concerning possible incompetent, negligent, or unethical conduct by  
3 building inspectors. ✓

4 (b) After reviewing a complaint received under par. (a), the review board may  
5 revoke the certification of a building inspector if the board determines that the  
6 building inspector has engaged in incompetent, negligent, or unethical conduct. ✓

7 (c) The review board may modify or reverse decisions made by building  
8 inspectors if the board find<sup>s</sup> that the decision by the building inspector was made in  
9 error.

10 (2) PROCEDURES; CONFIDENTIALITY. (a) If a permittee makes a complaint  
11 concerning a building inspector to the review board, the permittee may do one of the  
12 following: <sup>move</sup> <sub>keep</sub>

13 1. Request that the complaint remain anonymous, subject to par. (b).

14 2. Allow the complaint to be presented to the building inspector and not remain  
15 anonymous.

16 (b) If the permittee chooses to request that the permittees complaint remain  
17 anonymous, the board may not review the complaint or modify or revoke the permit  
18 unless the board receives <sup>set</sup> two <sup>2 or more</sup> additional anonymous complaints regarding the  
19 inspector. If the two <sup>2 or more</sup> additional complaints are made, the review board shall proceed  
20 with its review, and none of the permittees making <sup>of</sup> the complaints may continue to  
21 be anonymous.

22 (c) If the permittee allows his complaint to be presented to the inspector  
23 without requesting anonymity, the review board shall proceed with the review.

24 SECTION 3. Nonstatutory provisions.



1 (1) Notwithstanding the length of terms specified for the members of the  
2 building inspector review board under section 15.155 (6) (b) of the statutes, as  
3 created by this act, the ~~term~~<sup>term</sup> of the member specified under section 15.155 (6) (a) 4. of  
4 the statutes, as created by this act, shall be for a term expiring on May 1, 2008, and  
5 the term for the member specified under section 15.155 (6) (a) 5. of the statutes, as  
6 created by this act, shall be for a term expiring on May 1, 2010.

7 (END)

(dn)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3976<sup>1</sup> dn  
MGG:.....

All inspectors enforcing the one- and  
2- family dwelling code are  
certified by Commerce. See § 5.101.66(2)

or  
1. Section 15.155 (6) (a) 4. is modeled after s. 15.157 (12) (a) 4. ✓

2. I assumed in drafting this bill that the only building inspectors to be covered would be those who are certified by Commerce. However, there may be ~~other~~ "local" building inspectors that are not certified by Commerce but who would be conducting inspections on public buildings, places of employment, ~~or one- and 2- family dwellings~~. If you wish for me to look into this further, I will need permission to speak with Commerce.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3976/1dn  
MGG:lmk:rs

December 16, 2005

1. Section 15.155 (6) (a) 4. is modeled after s. 15.157 (12) (a) 4.
2. I assumed in drafting this bill that the only building inspectors to be covered would be those who are certified by Commerce. All inspectors enforcing the one- and 2-family dwelling code are certified by Commerce. See s. 101.66 (2). However, there may be "local" building inspectors that are not certified by Commerce but who would be conducting inspections on public buildings or places of employment. If you wish for me to look into this further, I will need permission to speak with Commerce.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

## Northrop, Lori

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**From:** Risch, Jay  
**Sent:** Monday, January 09, 2006 1:57 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3976/1 Topic: Creation of a building inspector review board

It has been requested by <Risch, Jay> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3976/1 Topic: Creation of a building inspector review board